



Order Filed on March 14, 2018  
by Clerk, U.S. Bankruptcy  
Court - District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Edward A. Tirpak

Case No.: 17-17631

Chapter: 13

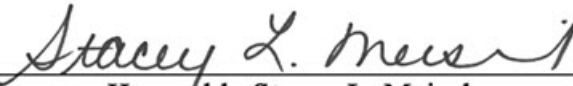
Hearing Date: February 14, 2018

Judge: Stacey L. Meisel

**ORDER DENYING MOTION TO ALLOW DEBTOR, EDWARD A. TIRPAK, TO  
PROCEED WITH FEE ARBITRATION AGAINST DOUGLAS A. COLE, ESQ.**

The relief set forth on the following pages, numbered two (2) through 3 is  
**ORDERED.**

**DATED: March 14, 2018**

  
Honorable Stacey L. Meisel  
United States Bankruptcy Judge

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Debtor: Edward A. Tirpak

Case No.: 17-17631

Caption of Order: Order Denying Motion to Allow Debtor, Edward A. Tirpak, to Proceed With Fee Arbitration Against Douglas A. Cole, Esq.

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**THIS MATTER** having been brought before the Court on a *Motion to Allow Debtor, Edward A. Tirpak, to Proceed With Fee Arbitration Against Douglas A. Cole, Esq.* (Docket No. 62) (“**Motion**”) by debtor Edward A. Tirpak (“**Debtor**”), by and through his counsel, John A. Lipowski;

**WHEREAS** Debtor seeks permission from this Court to proceed with fee arbitration against his former counsel, Douglas A. Cole (“**Mr. Cole**”), pursuant to a New Jersey Office of Attorney Ethics *Attorney Fee Arbitration Request Form* (“**Fee Arbitration Request**”) attached as an exhibit to the Motion (Docket No. 62-4 at 2-3);

**WHEREAS** the Fee Arbitration Request asserts that Mr. Cole agreed to handle a bankruptcy matter for Debtor on or about February 6, 2017, in connection with which Debtor paid Mr. Cole \$6,000.00 in February 2017 (*see id.* at 2, 3);

**WHEREAS** Debtor filed his voluntary Chapter 13 petition on April 14, 2017 (the “**Petition Date**”);

**WHEREAS** 11 U.S.C. § 329(a) requires attorneys retained pre-petition to provide the Court with a statement of the compensation paid or agreed to be paid by the debtor within the year prior to the petition date for “services rendered or to be rendered in contemplation of or in connection with the case;”

**WHEREAS**, under Section 329(b), if such compensation “exceeds the reasonable value” of the services rendered, then the Court may, among other things, require a return of such payments to the estate; and

**WHEREAS** this Court therefore has jurisdiction over the fee dispute between Debtor and Mr. Cole described in the Fee Arbitration Request;

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Debtor: Edward A. Tirpak

Case No.: 17-17631

Caption of Order: Order Denying Motion to Allow Debtor, Edward A. Tirpak, to Proceed  
With Fee Arbitration Against Douglas A. Cole, Esq.

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It is hereby

**ORDERED** that the Motion is DENIED.